

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Gregg Blackstock

v.

Case No. 04-cv-305-SM

New Hampshire State Prison, Warden

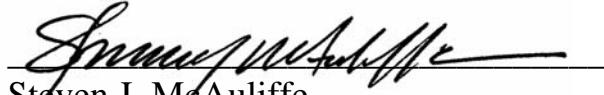
O R D E R

I herewith approve the Report and Recommendation of Magistrate Judge Muirhead dated December 2, 2009, no objection having been filed, for the reasons set forth therein. Petitioner's petition for writ of habeas corpus is hereby dismissed for inclusion of unexhausted claims.

Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

SO ORDERED.

December 23, 2009



Steven J. McAuliffe
Chief Judge

cc: Michael J. Sheehan, Esq.
Laura E.B. Lombardi, Esq.